

US Court of Federal Claims
United States Court of Federal Claims (COFC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01761-VJW

DE LA CRUZ JIMENEZ v. USA

Assigned to: Senior Judge Victor J. Wolski

Demand: \$1,000,000

Cause: 28:1491 Tucker Act

Date Filed: 11/15/2019

Date Terminated: 11/19/2021

Jury Demand: None

Nature of Suit: 134 Contract – Other

Jurisdiction: U.S. Government Defendant

Plaintiff

**RAFAEL DANIEL DE LA CRUZ
JIMENEZ**

represented by **RAFAEL DANIEL DE LA CRUZ JIMENEZ**
 56269-004
 F.C.I. Oakdale I
 P.O. Box 5000
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 PRO SE

V.

Defendant

USA

represented by **Joshua Ethan Kurland**
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TERMINATED: 03/19/2021
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Date Filed	#	Docket Text
11/15/2019	<u>1</u>	**SEALED**COMPLAINT against USA (DOJ) (Filing fee \$400, Receipt number CFC100004969) (Copy Served Electronically on Department of Justice), filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ. Answer due by 1/14/2020. (Attachments: # <u>1</u> Appendix, # <u>2</u> Exhibit, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u>

		Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Civil Cover Sheet, # <u>17</u> Supplement Envelope)(vds) (Entered: 11/19/2019)
11/19/2019	<u>12</u>	NOTICE of Assignment to Judge Victor J. Wolski. (vds) (Entered: 11/19/2019)
11/19/2019	<u>13</u>	NOTICE of Non-ECF Case. (vds) (Entered: 11/19/2019)
12/30/2019	<u>15</u>	NOTICE of Appearance by Sean L. King for USA, filed by USA. Service: 12/30/2019.(vds) (Entered: 12/31/2019)
12/31/2019	<u>14</u>	Letter from plaintiff re: copies of complaint and summons. (vds) (Entered: 12/31/2019)
01/13/2020	<u>16</u>	MOTION to Dismiss pursuant to Rules 12 (b)(1) and (6), filed by USA. Service: 1/13/2020. Response due by 2/10/2020. (vds) (Entered: 01/13/2020)
02/10/2020	<u>17</u>	MOTION for Extension of Time to File Response as to <u>6</u> MOTION to Dismiss pursuant to Rules 12 (b)(1) and (6), filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ. Service: 2/10/2020. Response due by 2/24/2020. (Attachments: # <u>1</u> Supplement)(vds) (Entered: 02/11/2020)
02/12/2020	<u>18</u>	ORDER granting <u>7</u> Motion for Extension of Time to File Response as to <u>6</u> MOTION to Dismiss pursuant to Rules 12 (b)(1) and (6), Response due by 3/3/2020. Signed by Senior Judge Victor J. Wolski. (vds) Service on parties made. (Entered: 02/12/2020)
02/20/2020	<u>19</u>	SUPPLEMENTAL BRIEF re: <u>7</u> Motion for Extension of Time to File Response, filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ. Filed by Leave of the Judge Service: 1/29/20.(tb) Modified on 2/24/2020 (tb). Corrected filing date. (Entered: 02/20/2020)
02/20/2020	<u>10</u>	ORDER re <u>9</u> Supplemental Brief filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ. The Clerk shall file these documents as a supplement to plaintiff's previous motion, ECF No. 7. Signed by Senior Judge Victor J. Wolski. (tb) Service on parties made. (Entered: 02/20/2020)
02/24/2020	<u>11</u>	MOTION for Summary Judgment, filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ. Service: 2/24/2020. Response due by 3/23/2020. (Attachments: # <u>1</u> Exhibit)(vds) (Entered: 02/25/2020)
02/24/2020	<u>12</u>	RESPONSE to <u>6</u> MOTION to Dismiss pursuant to Rules 12 (b)(1) and (6), filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ. Reply due by 3/9/2020. Service: 2/24/2020.(vds) (Entered: 02/25/2020)
03/09/2020	<u>13</u>	REPLY to Response to Motion re <u>6</u> MOTION to Dismiss pursuant to Rules 12 (b)(1) and (6), filed by USA. Service: 3/9/2020.(vds) (Entered: 03/09/2020)
03/19/2020	<u>14</u>	GENERAL ORDER: Effective immediately and until further order, judges, special masters, the Clerk of Court, and counsel of record for the United States may file electronically in pro se cases using the courts Case Management/ Electronic Case Files (CM/ECF) system. Pro se litigants shall, absent extraordinary circumstances, submit all case filings via e-mail to ProSe_case_filings@fcfc.uscourts.gov. Pro se litigants may, if feasible, receive notification by e-mail of all electronic filings by filing an E-Notification Consent Form, attached to the General Order. Signed by Chief Judge Margaret M. Sweeney. (dh) Service on parties made. (Entered: 03/19/2020)
10/20/2020	<u>15</u>	MOTION to Render Judgment, filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ. Service: 10/20/2020. Response due by 11/3/2020. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Supplement, # <u>3</u> Supplement)(vds) (Entered: 10/28/2020)
11/03/2020	<u>16</u>	RESPONSE to <u>15</u> MOTION Render Judgment , filed by USA. Reply due by 11/10/2020. (King, Sean) (Entered: 11/03/2020)
01/28/2021	<u>17</u>	

		UNREPORTED ORDER denying <u>11</u> Motion for Summary Judgment; denying <u>15</u> Motion ; on <u>15</u> MOTION Render Judgment filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ, <u>11</u> MOTION for Summary Judgment filed by RAFAEL DANIEL DE LA CRUZ JIMENEZ. Signed by Senior Judge Victor J. Wolski. (jak) Service on parties made; plaintiff served via U.S. mail. (dls) (Entered: 01/28/2021)
03/19/2021	<u>18</u>	NOTICE of Appearance by Joshua Ethan Kurland for USA . (Kurland, Joshua) (Entered: 03/19/2021)
11/18/2021	<u>19</u>	UNREPORTED OPINION. granting in part and denying in part <u>6</u> Motion to Dismiss – Rule 12(b)(1) and (6) The Clerk is directed to enter judgment. Signed by Senior Judge Victor J. Wolski. (bpd) Service on parties made; plaintiff served via U.S. mail. (dls) (Entered: 11/18/2021)
11/19/2021	<u>20</u>	JUDGMENT entered, pursuant to Rule 58, that the first and third causes of action [in plaintiff's complaint] are dismissed for failure to state a claim upon which relief can be granted, and the second cause of action [in plaintiff's complaint], raising tort and Eighth Amendment claims that are outside of the court's jurisdiction, are transferred to the United States District Court for the Western District of Louisiana. No costs shall be awarded. (Service on parties made.) (ac7) Plaintiff served via U.S. mail. (dls) (Entered: 11/19/2021)